"(f) The term 'sailing instruction' means teaching, research, and practical experience in the operation of vessels propelled primarily by sail and may include any subjects related thereto and to the sea, including but not limited to seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature.

"(g) The term 'sailing school vessel' means a vessel of less than five hundred gross tons which carries six or more individuals who are sailing school students or sailing school instructors and which the Secretary finds is principally equipped for propulsion by sail, whether or not the vessel has any auxiliary means of propulsion, and is owned or demise chartered and operated by an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and exempt from tax under section 501(a) of such Code, as now or hereafter amended, or by any State or political subdivision thereof, during such times as the vessel is operated by such organization or State or political subdivision exclusively for the purpose of sailing instruction. For purposes of this subsection, 'auxiliary means of propulsion' means mechanical propulsion equipment not exceeding four horsepower, or such larger amount as the Secretary, by regulation, may permit, for each displacement ton of the vessel.

"(h) The term 'sailing school instructor' means any person who is aboard a sailing school vessel for the purpose of furnishing sailing instruction. Such term does not include any operator or member of the crew of such a vessel who is among those required to be aboard the vessel to meet requirements established under section 3 of this Act.

"(i) The term 'sailing school student' means any person who is aboard a sailing school vessel for the purpose of receiving sailing instruction.".

SEC. 3. Sailing school students and sailing school instructors shall not be considered to be seamen under the provisions of titles 52 and 53 of the Revised Statutes of the United States and any Act amendatory thereof or supplementary thereto, or for the purposes of the maritime law doctrines of maintenance and cure or warranty of seaworthiness.

SEC. 4. Each owner or charterer of a sailing school vessel shall maintain evidence of his or her financial responsibility to meet any liability incurred for death or injury to sailing school students or sailing school instructors on voyages aboard the vessel, in an amount not less than $50,000 for each student or instructor. Such financial responsibility may be evidenced by policies of insurance or other adequate financial resources.

SEC. 5. For purposes of sections 3, 4, and 6 of this Act, the terms "sailing school student", "sailing school instructor", and "sailing school vessel" have the meanings given such terms in the first section of the Act entitled "An Act to require the inspection and certification of certain vessels carrying passengers", enacted May 10, 1956 (46 U.S.C. 390).

SEC. 6. (a) The Secretary of the Department in which the Coast Guard is operating shall, after consultation with representatives of the private sector having experienced in the operation of vessels likely to be certified as sailing school vessels, prescribe rules and regulations to carry out this Act and the Act entitled "An Act to require the inspection and certification of certain vessels carrying passengers", enacted May 10, 1956 (46 U.S.C. 390b), as it relates to sailing school vessels. Such rules and regulations shall reflect the specialized nature of sailing school vessel operations, and the character, design, and construction of vessels operating as sailing school vessels. Any manning requirement imposed with respect to sailing school vessels shall take into account the participation of sailing school students and sailing school instructors in the operation of such vessels. Such rules and regulations shall be prescribed not later than eighteen months after the date of enactment of this Act.

(b) Subsection (a) of this section shall take effect on the date of enactment of this Act. This Act (other than subsection (a) of this section) and the amendments made by this Act shall take effect eighteen months after the date of enactment of this Act or on the date on which the rules and regulations referred to in subsection (a) take effect, whichever is earlier; except that if such rules and regulations take effect more than eighteen months after the date of enactment of this Act, the amendment made by section 2(4) of this Act to section 4(a) of the Act of May 10, 1956, shall take effect three months after the effective date of such rules and regulations.

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Purpose of the Legislation

The purpose of the bill is to direct the Coast Guard to promulgate regulations which are suited to the particular characteristics of sailing school vessels. Sailing school vessels are operated by non-profit educational institutions for the exclusive purpose of teaching students a variety of maritime-related subjects.

The legislation would amend section 46 U.S. Code 390 to include sailing school ships within a category now limited to small passenger and small freight-carrying vessels. At present, sailing school ships are regulated either as if they were oceanographic research or large passenger carrying vessels.

The Coast Guard would be required to issue final regulations within eighteen months to provide as necessary for the design, construction, alteration, or repair of sailing school vessels, and for their operation, including manning requirements and crew qualifications. More specific regulations in the areas of vessel stability, compartmentation, and utility systems, where sailing ships may differ significantly from other vessel types, may also be necessary.

Background

Federal inspection regulations currently do not provide for sailing school vessels. Under U.S. law, sailing school ships, if not owned by a government agency, are considered to be passenger vessels. Although regulations applicable to Small Passenger Vessels are to some extent compatible with the operation of sailing vessels, many sailing school ships are larger than 100 gross tons and hence are governed by regulations applicable to larger Passenger Vessels. Many of these regulations are not appropriate for sailing school vessels, including both the requirement for vessels over 100 gross tons to be constructed of steel, and stability and compartmentation standards better suited to very large vessels.

Some sailing school ships operate under inspection regulations applicable to oceanographic research vessels, but such vessels are required to be engaged exclusively in oceanographic research or instruction. The Coast Guard has interpreted this as prohibiting formal instruction in navigation and seamanship, two primary courses of education on sailing school vessels. Merchant vessel requirements, as well as nautical school ship regulations, are similarly not appropriate for sailing school ships.

The possibility that students or instructors aboard school vessels may be viewed by the courts as seamen entitled to recover damages for injuries under maritime legal doctrines also hampers school ship operations. Wide-ranging liability for injuries to seamen has historically been justified on the grounds that seamen are in need of special protection because they are at the mercy of the vessel's master, and that the vessel operator who derives a profit from their employment should bear the costs of compensating them for their injuries. These justifications do not support the imposition of such broad liability on the operator of a sailing school ship, which operates to provide an educational opportunity for students.

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H.R. 6580 would establish a new class of vessels under maritime statutes to be called "Sailing School Ships". The new classification would remove the school ships from certain other vessel classifications, and would also remove students and instructors, although not the crew, from classification as seamen.

Committee Action

H.R. 6580 was introduced on June 10, 1982, by the Hon. Gerry E. Studds.

Hearings

The Subcommittee on Coast Guard and Navigation held a hearing on the proposed bill on June 17, 1982, receiving testimony from Rear Admiral Clyde Lusk, Chief, Office of Merchant Marine Safety, U.S. Coast Guard; Rear Admiral Robert McNitt, Director of Admissions, U.S. Naval Academy; Captain Harry Allendorfer, Director, Maritime Preservation, National Trust for Historic Preservation; Mr. Henry Dormitzer, New England Historic Seaport, Inc.; Dr. George Nichols, Ocean Research and Education Society, Inc.; Mr. Corwith Cramer, Jr., Sea Education Association; and Mr. Thomas Mills, Esq., Kominers, Fort, Schlefer & Boyer.

Mr. Dormitzer, stated that existing federal regulations have hampered all but federal and state agencies from operating sailing school vessels under the U.S. flag. The bill, he said, would cure this deficiency in U.S. law and facilitate private operation of sailing school vessels. Mr. Dormitzer also recommended to the Committee a list of proposed amendments, which he said would help to guarantee fulfillment of the basic purposes of the bill.

Both Captain Allendorfer and Rear Admiral McNitt agreed that new regulations would promote the safety and efficiency of sailing school vessels.

Rear Admiral Lusk stated that while he felt H.R. 6580 would grant the Coast Guard sufficient authority to provide for the safe regulation of sailing school vessels, he thought the bill should further clarify which vessels qualify as sailing school vessels. He also said the bill provided little guidance to the Coast Guard regarding the extent to which the regulatory regime for sailing school vessels should differ from that accorded other vessels.

Subcommittee Action

The Subcommittee on Coast Guard and Navigation met on July 28, 1982, and, after adopting an amendment in the nature of a substitute, acted by voice vote to approve H.R. 6580 and report it to the full Merchant Marine and Fisheries Committee for further action.

The Subcommittee began by adopting a substitute to the bill, based on the suggestions of the Coast Guard and owners of sailing school vessels. The substitute changed the format of the bill so that, instead of restating numerous provisions of existing law, the legislation would contain only the new provisions being proposed. This change was intended to minimize confusion over what H.R. 6580 seeks to accomplish.

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The substitute also made three changes in the definitions of terms used in the bill. Sailing school vessels were limited to vessels carrying at least six instructors and students. A definition of "guest" on a sailing school vessel was added, limited to individuals who have not contributed any consideration either directly or indirectly, for carriage on the ship; and the upper limit on the "auxiliary means of propulsion" allowable for sailing school ships was changed from two to four horsepower for each displacement ton of the vessel.

Several changes were also made by the substitute in section 5, dealing with the effective date and the issuance of regulations under the bill. The period of time available to the Coast Guard to develop regulations was lengthened from twelve to eighteen months. A requirement was added that the regulations be developed after consultation with representatives of the private sector having experience in the operation of sailing school vessels, and that the regulations be written in a way which takes into account the unique characteristics of such school vessels to begin operating under this law eighteen months after the date of enactment, even if the Coast Guard is unable to meet the target date for issuing regulations.

Full Committee Action

The full Merchant Marine and Fisheries Committee met and approved H.R. 6580 by voice vote on August 3, 1982.

One amendment was offered and adopted by the Committee. The amendment would permit the Secretary of Transportation greater flexibility in establishing by regulation the ceiling on auxiliary means of propulsion for each displacement ton of a vessel.

The amendment was considered necessary to allow the Coast Guard to prescribe regulations flexible enough to permit any vessel being used exclusively for sailing school instruction, and meeting other requirements of the definition, to be considered a sailing school vessel under this Act, provided its primary means of propulsion is sail.

Section-by-Section Analysis

Section 1

Provides that this Act may be cited as the "Sailing School Vessels Act of 1982".

Section 2

Amends Sections 1–5 of the Act of May 10, 1956, in the following manner:

Section (1)(a)(5)—Includes in the definition of "guest" any guest on board a sailing school vessel. Guests are limited to individuals who have not contributed any consideration, either directly or indirectly, for carriage on the ship. The Committee expects that guests may, from time to time, be present on sailing school vessels, but does not anticipate that they will be present in sufficient number or with sufficient regularity, as to in any way detract from the program of educational instruction which is the sole legitimate purpose of sailing school operations. "Guests", in the context of this section, shall not be considered passengers for purposes of implementing requirements of the International Convention for Safety of Life at Sea (SOLAS).

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(a)(7)—Adds sailing school instructors and students to the list of those persons not deemed to be passengers. The purpose of this subsection is to ensure that saling school instructors and students will not be considered passengers for purposes of implementing requirements of the International Convention for Safety of Life at Sea (SOLAS).

(f)—Defines "sailing instruction" as teaching, research, and practical experience in the operation of vessels propelled primarily by wind power and may include any subjects related thereto and to the sea, including but not limited to seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature. The intent here is to provide for a broad range of potential study within the overall heading of sailing school instruction, emphasizing "hands on" experience in the practical operation of a vessel, as well as work of a relatively conventional academic nature, and research projects including oceanographic research. The Committee recommends that the Coast Guard consult the American Sail Training Association, or similar groups, for guidance in determining the bona fide nature of sailing school instruction programs. The Committee does not intend that frivolous, cursory, or unprofessional programs should qualify as sailing school instruction.

(g)—Defines "sailing school vessel" as a vessel less than 500 gross tons in size, which carries six or more individuals who are sailing school students or sailing school instructors, and which the Secretary finds is principally equipped for propulsion by sail, whether or not having any auxiliary means of propulsion. Auxiliary means of propulsion is defined as mechanical propulsion equipment not exceeding four horsepower or such larger amounts as the Secretary, by regulation, may permit, for each displacement ton of the vessel. The Committee intends that the Coast Guard prescribe regulations which are sufficiently flexible to permit *any* vessel being used exclusively for sailing school instruction and meeting the other requirements of the definition, to be considered a sailing school vessel under this Act, provided its primary means of propulsion is sail.

A sailing school vessel must be owned or demise chartered and operated either by an organization which is exempt from federal taxes, or by a state or political subdivision of a state. To be considered a sailing school vessel, a vessel must be operating exclusively for the purpose of sailing instruction. This would not prohibit a vessel from operating for other purposes, but such a vessel would be deemed a sailing school vessel only during the time it was being operated solely for sailing instruction.

(h)—Defines sailing school instructor as any person who is aboard a sailing school vessel for the purpose of furnishing sailing instruction. This term does not include any operator or member of the crew who is among those required to be aboard the vessel to meet manning, qualification, or other standards established by the Coast Guard.

(i)—Defines sailing school student as any person who is aboard a sailing school vessel for the purpose of receiving sailing instruction.

Section 2. (a)—Adds sailing school vessels to the list of vessels covered by this section of law. This provision will require inspection

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of sailing school vessels at least once every three years, and require that such vessels meet various other applicable marine safety and health requirements.

Section 3.—Includes sailing school vessels among those vessels subject to the rules and regulations authorized to be promulgated under this section. These regulations cover a broad spectrum of design, construction, manning, and operating standards deemed necessary for the safe operation of vessels.

Section 4. (a) and (b)—Includes sailing school vessels among those prohibited from operating without a certificate of inspection or without being in compliance with the terms under which such a certificate was issued. Section 6(b) of H.R. 6580 describes a set of circumstances under which the effective date of this amendment to section 4(a) may be delayed.

Section 5.—Includes sailing school vessels among those covered by this section of law. This section authorizes the assessment of penalties of up to $1,000 for each violation by the owner, master or person in charge of a vessel which is operated in violation of the rules and regulations established under this Act.

Section 3

Provides that sailing school students and instructors are not to be considered as "seamen" as defined in Titles 52 and 53 of the Revised Statutes of the United States. The effect of this provision would be to exclude sailing school students and instructors from the special protections guaranteed to seamen by U.S. law. It should be noted that crew members are not similarly excluded.

Section 4

Requires the owner or charterers of sailing school vessels to maintain evidence of financial responsibility of at least $50,000 to meet any liability incurred for death or injury to sailing school students or instructors.

Section 5

This section makes it clear that the definitions of sailing school students, instructors, vessels, and instruction which are contained in amendments made by this bill to 46 U.S.C. 390 shall also apply to this bill, as a whole.

Section 6

Section 6(a) requires the Secretary, after consultation with representatives of the private sector having relevant experience, to prescribe rules and regulations appropriate for the safe construction, manning, and operation of sailing school vessels. These rules and regulations are to be prescribed not later than 18 months after the date of enactment of this Act.

Section 6(b) provides that section 6(a) shall take effect immediately upon enactment of this Act. Other provisions of the Act shall take effect eighteen months from the date of enactment, or on the date on which rules and regulations referred to in subsection (a) take effect, whichever is earlier. If these rules and regulations do not take effect until more than 18 months have elapsed, however, the pro-

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hibition on operating a sailing school vessel without a certificate of inspection shall not take effect until three months after the rules and regulations do finally take effect.

The Committee intends by this section both to encourage the Coast Guard to complete the regulatory process within the alloted 18 months, and to prevent the operators of sailing school vessels from being penalized if this goal is not met. The Committee expects that the Coast Guard and the operators of sailing school vessels will be in communication, and that vessel operators will seek to comply with standards deemed appropirate by the Coast Guard whether or not applicable regulations are issued precisely on time. In turn, the Committee does not expect the Coast Guard to utilize other legal technicalities which may exist to hamper the reasonable operation of sailing school vessels should the regulations under this Act not be issued on time.

Compliance With Clause 7, Rule XIII

In accordance with paragraph (d) of this clause, the provisions of this clause do not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office has been prepared and included in the report.

Compliance With Clause 2(1)(4), Rule XI (Inflationary Impact Statement)

This legislation imposes on the Coast Guard a requirement to issue marine safety regulations appropriate to the operation of sailing school vessels. This duty will be performed by the Coast Guard within the scope of its existing marine safety program, and no additional funds are authorized in this legislation. The regulations which will be required will be applicable solely to sailing school vessels which must, by definition, be operated solely for purposes of sailing school instruction by non-profit educational institutions, or by state or local governments. This legislation is not expected to have any inflationary impact on prices and costs in the operation of the national economy.

Compliance With Clause 2(1)(3) of Rule XI

(A) No oversight hearings were held by the Committee which were directly relevant to the subject matter of this legislation. A hearing on the legislation itself, however, was held before the Subcommittee on Coast Guard and Navigation on June 17 and is summarized elsewhere in this Report.

(B) The requirements of section 308(a) of the Congressional Budget Act are not applicable to this legislation.

(C) The Committee on Merchant Marine and Fisheries received no report from the Committee on Government Operations containing oversight findings or recommendations arrived at pursuant to clause 2(B)(2) of Rule X of the Rules of the House of Representatives.

(D) The director of the Congressional Budget Office has furnished the Committee with an estimate and comparison of cost for H.R. 6580, pursuant to section 403 of the Congressional Budget Act of 1974.

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The submission is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., August 6, 1982.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 6580, the Sailing School Vessels Act of 1982, as ordered reported by the House Committee on Merchant Marine and Fisheries, August 3, 1982.

H.R. 6580 amends existing law so that sailing school ships would be regulated within a category now limited to small passenger and small freight carrying vessels. Under this legislation the Coast Guard is directed to issue regulations regarding sailing school vessels. It is assumed, however, that such regulations would be similar to those now governing small passenger and small freight vessels.

Based on this review, it is expected that there will be no significant cost to the Federal Government as a result of enactment of this legislation.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

DEPARTMENTAL REPORT

H.R. 6580 has been referred to the Department of Transportation for a report. No report has been returned to the Committee.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

46 U.S.C. 390 ET SEQ.

§ 390. Definitions

When used in sections 390–390g, 404, and 526f of this title, unless the context requires otherwise—

(a) The term "passenger" means every person carried on board a vessel other than—

(1) the owner or his representative;

(2) the master and the bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services;

(3) any employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a bareboat charter;

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(4) any employee of the bareboat charterer of the vessel engaged in the business of the bareboat charterer;

(5) any guest on board a vessel which is being used exclusively for pleasure purposes, *or any guest on board a sailing school vessel*, who has not contributed any consideration, directly or indirectly, for his carriage; [or]

(6) any person or board a vessel documented and used for tugboat or towboat service of fifty gross tons or more who has not contributed any consideration, directly or indirectly, for his carriage[.] *; or*

(7) any sailing school instructor or sailing school student.

(b) The term "passenger-carrying vessel" means any vessel which carries more than six passengers, and which is (1) propelled in whole or in part by steam or by any form of mechanical or electrical power and is of less than one hundred gross tons; (2) propelled by sail and is of seven hundred gross tons or less; or (3) non-self-propelled and is of one hundred gross tons or less; except any public vessel of the United States or of any foreign state, or any lifeboat forming part of a vessel's lifesaving equipment. The term includes (1) a domestic vessel operating on the navigable waters of the United States, or on the high seas outside of those waters and within the normal operating range of the vessel, and (2) a foreign vessel departing from a port of the United States.

(c) The term "International Convention for Safety of Life at Sea" means the "International Convention for Safety of Life at Sea, 1948" or any similar international convention which comes into force and effect after ratification by the United States Senate.

(d) The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(e) The term "freight-carrying vessel" means a vessel which carries freight for hire, is propelled by machinery, and is above fifteen gross tons and less than one hundred gross tons. The term does not include (1) vessels propelled by machinery other than steam and engaged in fishing as a regular business, or (2) vessels of foreign registry.

(f) The term "sailing instruction" means teaching, research, and practical experience in the operation of vessels propelled primarily by sail and may include any subjects related thereto and to the sea, including but not limited to seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature.

(g) The term "sailing school vessel" means a vessel of less than five hundred gross tons which carries six or more individuals who are sailing school students or sailing school instructors and which the Secretary finds is principally equipped for propulsion by sail, whether or not the vessel has any auxiliary means of propulsion, and is owned or demise chartered and operated by an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and exempt from tax under section 501(a) of such Code, as now or hereafter amended, or by any State or political subdivision thereof, during such times as the vessel is operated by such organization or State or political subdivision exclusively for the purpose of sailing instruction. For pur-

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poses of this subsection, 'auxiliary means of propulsion' means mechanical propulsion equipment not exceeding four horsepower, or such larger amount as the Secretary, by regulation, may permit, for each displacement ton of the vessel.

(h) The term "sailing school instructor" means any person who is aboard a sailing school vessel for the purpose of furnishing sailing instruction. Such term does not include any operator or member of the crew of such a vessel who is among those required to be aboard the vessel to meet requirements established under section 3 of this Act.

(i) The term "sailing school student" means any person who is aboard a sailing school vessel for the purpose of receiving sailing instruction.

§ 390a. Inspection—frequency and requirements

(a) The Secretary shall, at least once every three years, cause to be inspected each passenger-carrying vessel [and each freight-carrying vessel,], *each freight-carrying vessel, and each sailing school vessel* and shall satisfy himself that every such vessel (1) is of a structure suitable for the service in which it is to be employed; (2) is equipped with the proper appliances for lifesaving and fire protection in accordance with applicable laws, or rules and regulations prescribed by him; (3) has suitable accommodations for passengers [and the crew], *crew, sailing school students, and sailing school instructors*; and (4) is in a condition to warrant the belief that it may be used, operated, and navigated with safety to life in the proposed service and that all applicable requirements of marine safety statutes and regulations thereunder are faithfully complied with.

FEES FOR INSPECTION AND CERTIFICATES, LICENSE, OR PERMIT

(b) The Secretary may prescribe reasonable fees or charges for (1) any inspection made and (2) any certificate, license, or permit issued pursuant to sections 390–390g, 404, and 526f of this title or the rules and regulations established hereunder.

§ 390b. Rules and regulations

In order to secure effective provision against hazard to life created by passenger-carrying vessels [and freight-carrying vessels], *freight-carrying vessels, and sailing school vessels* and to carry out in the most effective manner the provisions of sections 390 to 390g, 404, and 526f of this title, the Secretary shall prescribe such rules and regulations as may be necessary with respect to design, construction, alteration, or repair of such vessels, including the superstructures, hulls, accommodations for passengers [and crew,], *crew, sailing school students, and sailing school instructors*, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers; with respect to all materials used in construction, alteration, or repair of such vessels including the fire prevention and fire retardant characteristics of such materials; with respect to equipment and appliances for livesaving and fire protection; with respect to the operation of such vessels, including the waters in which they may be navigated and the number of passengers, *sailing school students, and sailing school instructors*

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which they may carry; with respect to the requirements of the manning of such vessels and the duties and qualifications of the operators and crews thereof; and with respect to the inspection of any or all the foregoing.

§ 890c. Certificate of Inspection—Issuance Prerequisite to Operation; Exception

(a) No passenger-carrying vessel [or freight-carrying vessel] , *freight-carrying vessel, or sailing school vessel* shall be operated or navigated until a certificate of inspection in such form as may be prescribed by the regulations promulgated by the Secretary under the authority of sections 390 to 390g, 404, and 526f of this title, has been issued to the vessel indicating that the vessel is in compliance with the provisions of said sections, and the rules and regulations established hereunder; except that when a foreign passenger-carrying vessel [or freight-carrying vessel] , *freight-carrying vessel, or sailing school vessel* belongs to a nation which is signatory to the International Convention for Safety of Life at Sea, a valid safety certificate issued to the vessel pursuant to the Convention may be accepted in lieu of the required certificate of inspection.

COMPLIANCE

(b) Any passenger-carrying vessel [or freight-carrying vessel] , *freight-carrying vessel, or sailing school vessel* to which a valid certificate of inspection has been issued pursuant to this section shall during the tenure of the certificate be in full compliance with the terms of the certificate.

SURRENDER; WITHDRAWAL FOR NONCOMPLIANCE

(c) A certificate of inspection issued pursuant to this section may at any time be voluntarily surrendered and shall be withdrawn and suspended or revoked for noncompliance with any applicable requirements of sections 390–390g, 404, and 526f of this title or regulations thereunder.

§ 390d. Violations; Penalty; Liability; Jurisdiction

Any owner, master, or person in charge of any vessel subject to sections 390 to 390g, 404, and 526f of this title who violates the provisions of said sections, or the rules and regulations established hereunder, shall be liable to the United States in a penalty of not more than $1,000 for each such violation, for which sum the passenger-carrying vessel [or freight-carrying vessel] , *freight-carrying vessel, or sailing school vessel* shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the violation.

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